

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**OWNER-OPERATOR INDEPENDENT
DRIVERS ASSOCIATION, CARL HARP
and MICHAEL WISE, as Representatives
of the Class and THE CERTIFIED CLASS
OF OWNER-OPERATORS, Case No.
C2-97-740 United States District Court
for the Southern District of Ohio,**

Plaintiffs,

V.

COMERICA BANK,

Defendant.

Case No. 05 -CV-0056

JUDGE ALGENON L. MARBLEY
Magistrate Judge King

ORDER

This matter is before the Court by way of a telephonic hearing on Defendant's Motion to Compel Discovery that was held on Monday, September 19, 2011. Based on the representations of counsel, the Defendant's Motion is **GRANTED**, in part, and the Court has amended the scheduling order to reflect the following:

Summary:

September 12, 2011 Motions in limine, pretrial motions, designation of deposition portions, witness statements, stipulations, and exhibit lists.

September 19, 2011 Memoranda contra pretrial motions or motions in limine,
objections to deposition designations.

September 20, 2011 Plaintiffs are hereby ordered to complete production of the following items to Defendant by **5:00 p.m.:**

- All handwritten or typed attorneys notes taken from 1997 to the present. (Doc. 111, p.2, bullet item 1).
- Any remaining notes and emails reflecting communications among Plaintiffs' counsel from 1997 to present. (Doc. 111,

p.2, bulleted item 6). The Court will entertain timely requests for an *in camera* inspection regarding any such materials which raise genuine privilege concerns.

- Plaintiffs' communications with their clients (including OOIDA, the named plaintiffs and the individual class members), i.e. letters, emails, faxes from 1997 to the present. (Doc. 111, p.2, bullet item 7).
- Plaintiffs' communications with opposing counsel. (Doc. 111, p.2, bullet item 8).
- Drafts of any pleadings, or letters (but not including legal research memoranda). (Doc. 111, p.2, bullet item 9).

September 22, 2011

Plaintiffs are hereby ordered to complete production of the following items to Defendant by **5:00 p.m.**:

- Plaintiffs' attorney billing statements from 1997 to present. (Doc. 111, p.2, bullet item 3). The Court will entertain timely requests for an *in camera* inspection regarding any such materials which raise genuine privilege concerns.
- Plaintiffs' attorney time records, limited to this controversy and the preceding related controversies involving Plaintiffs' same disputed funds. (Doc. 111, p.2, bullet item 4). The Court will entertain timely requests for an *in camera* inspection regarding any such materials which raise genuine privilege concerns.

September 27, 2011

All additional depositions to be completed.

September 28, 2011

Motions for leave to file additional motions in limine for new issues arising from depositions taken after September 21, 2011 only due by **5:00 p.m.** **Proposed additional motions in limine to be attached as exhibits to the motions for leave to file.**

September 30, 2011

Final pretrial conference **at 10:00 a.m.** in chambers, 85 Marconi Boulevard, Room 319, Columbus, Ohio; final amended pretrial order including amended exhibit lists and appendices due; submission of trial briefs; Responses to additional motions in limine due by **5:00 p.m.**; Designations of deposition testimony of witnesses deposed after September 21, 2011 due by **5:00 p.m.**

October 3, 2011

Bench Trial - rulings on motions in limine and deposition designations, followed immediately by opening statements and presentation of evidence.

This order supersedes all previous orders in this case to the extent previous orders are inconsistent with this order.

The parties shall address questions about this order to the Court's Law Clerk, Robert Haferd, at 614-719-3262, by way of a telephone conference with counsel for all parties participating, or with fewer than all counsel participating with express permission of non-participating counsel.

IT IS SO ORDERED.

s/Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE

DATED: September 20, 2011